

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NEXII BUILDING SOLUTIONS INC., *a*)
Canadian corporation,)

Plaintiff,)

v.)

Case No. 22-cv-01619-RGA

NEXUS 1, LLC, *a Delaware limited liability*)
company; NEXUS MANAGER, LLC, *a*)
Delaware limited liability company; JOHN)
WOLFINGTON *and* DANIEL METZLER;)

Defendants.)

MOTION TO WITHDRAW FROM REPRESENTATION

Pursuant to Rule 83.7 of the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware (the “Local Rules”), counsel from the law firm Dorsey & Whitney LLP (“Dorsey”) hereby move the Court for leave to withdraw as counsel for Plaintiff in this matter, and state the following:

1. Basis for the Motion. On January 9, 2024, Plaintiff and certain affiliates not party to this action commenced a bankruptcy proceeding in Canada and, on January 11, 2024, filed for recognition of the Canadian proceeding in the United States Bankruptcy Court for the District of Delaware under Chapter 15 of the U.S. Bankruptcy Code (Case No. 24-10026).

2. Dorsey is currently owed a significant amount of accrued legal fees, which Plaintiff has represented it is not in a position to pay and does not intend to pay. As a result, Dorsey requested to withdraw as counsel of record in this matter and both Plaintiff and the Canadian bankruptcy Monitor consented to Dorsey’s withdrawal as counsel. Counsel to the Defendants has not indicated that it consents to Dorsey’s withdrawal. Dorsey submits that there is good cause to withdraw given Nexii’s consent and the lack of payment, and further submits that there will be no

prejudice to the Defendants as a result of the withdrawal given the fact that this matter has been consensually stayed for a number of months. Accordingly, Dorsey respectfully requests that it be authorized to withdraw as counsel of record to Nexii in this matter.

3. Notice to Client. On January 25, 2024, Dorsey informed Plaintiff through email that Dorsey is moving to withdraw in this matter. Simultaneously with the filing of this Motion, Dorsey will serve a copy of this motion on Plaintiff pursuant to Local Rule 83.7 by providing a copy of this motion by registered mail addressed to Plaintiff's last known address and by email.

4. Notice to Other Parties. Dorsey contacted opposing counsel on February 1, 2024 to inform Defendants' counsel of this motion. Dorsey is serving this Motion on Defendants, through counsel, as well as Nexii's domestic and Canadian bankruptcy attorneys, and its Canadian bankruptcy monitor simultaneously with the filing of this Motion.

Dated: February 16, 2024

DORSEY & WHITNEY (DELAWARE) LLP

/s/ Eric Lopez Schnabel

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ORDER

NOW, this ____ day of _____ 2024, upon consideration of the *Motion to Withdraw From Representation* (the “Motion”) and having found good cause to grant the Motion, it is **HEREBY ORDERED** that the Motion is granted and the entries of appearance of the attorneys from Dorsey & Whitney LLP are withdrawn in this matter.

The Honorable Richard G. Andrews
Judge, United States District Court